

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE

LUIS ANGEL POGGI FUENTES  
MIGDALIA MILIAN SANTIAGO

DEBTORS

CASE NO. 18-05636/MCF

CHAPTER 13

**APPLICATION FOR AUTHORIZATION TO RETAIN COUNSEL**

TO THE HONORABLE COURT:

**COME NOW, LUIS ANGEL POGGI FUENTES and MIGDALIA MILIAN SANTIAGO**, the Debtors in the above captioned case, through the undersigned attorney, and respectfully state and pray as follows:

1. Debtors filed the instant case on September 28, 2018.
2. Debtors desire and require the employment of Antonio J. Cabrero Muñiz, Esq., as case lead Counsel, in order to continue an action in damages in State Court by the Debtors against Banco Popular de Puerto Rico in the [Civil Case No. HSCI201301070] *Banco Popular de Puerto Rico v. L. Poggi, Corp; et als.*, in order to litigate a counter claim against that defendant(s) and /or any insurance agencies.
3. Debtors believe that because Antonio J. Cabrero Muñiz, Esq, has already been litigating in the Debtors' representation in this Civil action brought by the Debtors, it would be in the best interests of all parties that he continue representing the Debtors in the matter related to *Banco Popular de Puerto Rico v. L. Poggi, Corp; et als.*, Civil Case No. HSCI201301070. Debtors feel that Antonio J. Cabrero Muñiz, Esq. is qualified to render the foregoing services.
4. The professional services that Antonio J. Cabrero Muniz, Esq., would perform are summarized as follows:

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**Case No. 18-05636/MCF13**

- a) To prepare motions, pleadings, and other legal documents necessary in the litigation of any claims in favor of debtors.
- b) To represent debtors in any negotiations with defendant(s) or any insurance agencies.
- c) To render legal counseling, legal opinions, prepare legal documents when deemed necessary and/or advisable, as these may relate to any claims initiated against defendant(s) and/or any insurance agencies or in favor of debtor.

5. Based upon the Declaration attached hereto and marked as Exhibit #1, the Debtors believe that Antonio J. Cabrero Muñiz, Esq. does not hold or represents any interests adverse to the Debtors or the Debtors' estate and is a disinterested person within the meaning of 11 U.S.C. §101(14); and to the best of Debtors' knowledge, he is not related or otherwise connected with the Debtors, Debtors' counsel or the United States Trustee, or any person employed by the Office of the United States Trustee, or any other party in interest.

6. Debtors have been informed that the normal billing rate of said attorney in this case is 33% of the proceeds ("contingency basis") as imposed upon defendants by the Puerto Rico Court of First Instance, or agreed upon with defendants in the event that the above mentioned litigation is settled, plus any reimbursement of outstanding cost and expenses.

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7. Debtors discussed with Antonio J. Caberero Muñiz, Esq. his availability to be employed as special counsel in this case and to perform the services required.

8. Antonio J. Cabrero Muñiz, Esq., represented Debtors prior to the bankruptcy petition, and no claim is being made against the estate for prior services and there are no outstanding bills or invoices to be paid to him.

9. Antonio J. Cabrero Muñiz, Esq., also discloses that he has no agreement to share compensation or reimbursement to be received in this case with any person or entity, that I will amend this statement immediately upon the learning that: (a) any of the representations made herein are incorrect, or (b) there is any change of circumstance relating thereto, and that I have reviewed the provisions of LBR 2016-1.

**WHEREFORE** it is respectfully requested that Debtors be authorized to employ Antonio J. Cabrero Muniz, Esq., as case lead Counsel, to render the services as described in the foregoing application, with compensation to be paid on a contingency basis, at the resolution of the civil case.

### **NOTICE**

**You are notified that within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.**



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**I HEREBY CERTIFY** that this motion was filed with the Court using the CM/ECF filing system which will send notice of same to all CM/ECF participants, including the Chapter 13 Trustee and the US Trustee's Office; I also certify that a copy of this motion has been sent to creditors and all parties in interest (non CM/ECF participants) as per matrix attached.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 6<sup>th</sup> day of November, 2018.

/s/Antonio J. Cabrero Muñiz  
ANTONIO J. CABRERO MUNIZ, ESQ.  
RUA No. 9381  
PMB 415 1353 Rd 19  
GUAYNABO PR 00966  
EMAIL: [cabrerolaw@gmail.com](mailto:cabrerolaw@gmail.com)

/s/Roberto Figueroa Carrasquillo  
ROBERTO FIGUEROA-CARRASQUILLO  
USDC-PR #203614  
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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE

LUIS ANGEL POGGI FUENTES  
MIGDALIA MILIAN SANTIAGO

CASE NO. 18-05636/MCF

CHAPTER 13

DEBTORS

DECLARATION

I, Antonio J. Cabrero Muñiz, Esq., declare:

1. That I am an attorney duly admitted to practice before all the Courts of the Commonwealth of Puerto Rico.
2. That I am the State Court attorney for the Debtors in Civil Case No. HSCI201301070, *Banco Popular de Puerto Rico v. L. Poggi, Corp; et als.*, and I am the attorney the Debtors' is seeking to employ by the application to which this Declaration are attached as Exhibit #1.
3. That I have experience in general civil law and civil litigation and I am qualified to represent the Debtors as counsel, and I am willing to accept employment on the basis set forth in the annexed application.
4. That my office is located at Urb. Apolo, 2064 Hercules Street, Guaynabo PR 00966.
5. That to the best of my knowledge I hold no interest adverse to the above entitled estate and I am a disinterested person as defined in 11 U.S.C. §101(14), nor am I, to the best of my knowledge, related or otherwise connected with Debtor's, the United States Trustee, the Debtors' counsel or any person employed by the Office of the United States Trustee or any other party in interest.

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Migdalia Milian Santiago  
Caso no. 18-05636/MCF13

6. That there is no agreement to share any compensation or reimbursement to be received with any person or entity, that I will amend this statement immediately upon the learning that: (a) any of the representations made herein are incorrect, or (b) there is any change of circumstance relating thereto, and that I have reviewed the provisions of LBR 2016-1.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 31<sup>st</sup> day of October, 2018.



ANTONIO J. CABRERO MUÑOZ, ESQ.  
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URB APOLO 2064 HERCULES STREET  
GUAYNABO PR 00966  
TEL. 787-667-8832  
EMAIL: [cabrerolaw@gmail.com](mailto:cabrerolaw@gmail.com)



**ANTONIO J. CABRERO MUÑOZ, ESQ.**

PMB 415, 1353 Rd.19  
Guaynabo, Puerto Rico 00966  
[antoniojcabrero@yahoo.com](mailto:antoniojcabrero@yahoo.com)  
(787)667-8832

**SUMMARY OF QUALIFICATIONS:**

Results oriented attorney with vast experience in litigation of commercial, banking and bankruptcy cases; collection and workouts for troubled debts; administrative and operational experiences as former Special Trustee of the Government of Puerto Rico in charge of the administration, and liquidation of a \$1.5 billion corporation; experiences in the banking industry as Legal Counsel and as Special Loans and Real Estate Owned Department Head; attorney and officer of the Federal Deposit Insurance Corporation.

**WORK EXPERIENCE:**

**04/09 to Present: CABRERO MUÑOZ LAW OFFICE**

Sole Practitioner. Litigation attorney and counsel on complex civil controversies; represent creditors on Chapter 7, Chapter 13 and Chapter 11 bankruptcy cases; Attorney for FTI Consulting Inc., Liquidation Trustee of Caribbean Petroleum Corporation; Litigation attorney and counselor for the Puerto Rico Lands Administration. Member of the CEE Ad Hoc Committee in charge of investigating claims of electoral fraud in Guaynabo; prepare certioraris and appeals for the Court of Appeals and the Supreme Court of Puerto Rico.

**09/05 to 03/2009: LANDRON & VERA, LLP.**

Senior Associate. Litigation attorney and counsel on complex civil controversies; represent creditors on Chapter 7, Chapter 13 and Chapter 11 bankruptcy cases and adversary proceedings; represent officers of the Government of Puerto Rico sued in their personal capacity; prepare appeals and certioraris.

**04/02 to 08/05: CANCIO, NADAL, RIVERA & DIAZ LAW OFFICES**

Senior Attorney. Supervisory attorney for the banking division; litigation, negotiation and collection of commercial and mortgage loans; attorney in charge of bankruptcy cases; litigation and counseling on lease and land lease agreements.

**07/98 to 03/02: PRIVATE LAW PRACTICE**

Counseling and litigation for the Puerto Rico Lands Administration on matters and controversies arising under lease agreements entered for commercial, agricultural and residential purposes; litigation for the general public on commercial, family and real estate matters, among others.

**03/93 to 06/98: SPECIAL TRUSTEE OF THE OFFICE FOR LIQUIDATION OF THE HOUSING AND URBAN RENEWAL CORPORATION'S ACCOUNTS**

Special Trustee appointed by the Governor of P.R with Senate's consent for the administration and liquidation of a federally assisted housing corporation; appear before House of Representatives and Senate for budget presentation and approval, recommend legislation and provide opinion for legislation under consideration by Legislature; asset valuation and disposition; negotiation, work outs and payment of \$700 million in debts; monitoring of legal procedures and outside counsels; establish legal strategies for \$200

million in legal claims filed against the housing corporation; constant negotiation with federal housing agencies, local governmental entities and private entrepreneurs; administration and disposition of federally assisted rental housing projects; monitoring the collection of a \$100 million problematic low-income mortgage portfolio; review and negotiate contracts needed for the operation of the office and for the administration or disposition of housing projects and other properties; supervise accounting, mortgage, operations and sales departments; establish surplus in assets and close liquidation process.

**08/87 to 02/93: FIRST FEDERAL SAVINGS BANK**

Legal Counsel for operational banking matters and loans; create and manage the Special Loans Unit; analysis, collections, negotiations and workouts of troubled loans matters; litigation attorney.

**06/85 to 07/87: FEDERAL DEPOSIT INSURANCE CORPORATION**

Litigation Attorney

General counseling and litigation on bank liquidations and troubled loans matters.

**EDUCATION:**

1984 - JURIS DOCTOR DEGREE

1977 - B.A. BUSINESS ADMINISTRATION

**LICENCES:**

03/85 Admitted to the Bar of the Supreme Court of Puerto Rico

09/86 Admitted to the Bar of the United States District Court for the District of Puerto Rico

**LANGUAGES:**

Fluent in both English and Spanish

**REFERENCES:**

Available upon request



Label Matrix for local noticing  
0104-3  
Case 18-05636-MCF13  
District of Puerto Rico  
Old San Juan  
Tue Nov 6 12:00:38 AST 2018

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End of Label Matrix  
Mailable recipients 12  
Bypassed recipients 0  
Total 12

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